

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

04 JUN 16 2004
4 JUN 15 10:32
STATE PROCUREMENT OFFICE
STATE OF HAWAII ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: DHS/MQD

(Department/Division/Agency)

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:

Provide legal services and development of the 1115 waiver extension for the Hawaii QUEST and QUEST Plus Programs.

Name of Vendor: Covington & Burling
Address: 1201 Pennsylvania Ave NW
Washington, DC 20004-2401

Cost:

434,875.00

Term of Contract: From: upon CPO approval To: April 30, 2005
June 22, 2004

Prior Exemption Ref. No. (if applicable)

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

See attachment

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

See attachment

A description of the agency's internal controls and approval requirements for the exempted procurement:

See attachment

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Steve Kawada, Acting Administrator
Brian Pang, Finance Officer
Angelina Payne, Health Coverage Branch Administrator
Lillian B. Koller, Director

Direct questions to:

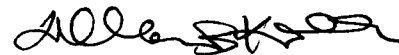
Brian Pang

Phone Number:

692-7956

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes ☐ No ☒

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE,
TRUE AND CORRECT.**



Department Head or Designee

JUN 10 2004

Date

Title (If other than Department Head)

Chief Procurement Officer's Comments:

This exemption is for the solicitation process and Chapter 103D-310(c)(1) and (c)(2) only.

Please ensure adherence to applicable administrative requirements.



APPROVED

☐ DISAPPROVED



Chief Procurement Officer

6/29/04

Date

cc: Administrator,
State Procurement Office

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Since August 1994, the Centers for Medicaid/Medicare Services (CMS) has approved the Hawaii QUEST Program (QUEST) under Section 1115 of the Social Security Act. The QUEST program currently includes all population except the Aged, Blind and Disabled (ABD) recipients. Those ABD recipients are currently eligible under the traditional fee for service programs. The current QUEST program has been approved by CMS until March 31, 2005. Hawaii must request an extension of the waiver by September 30, 2004.

With this current waiver extension renewal, Hawaii will be requesting from CMS to be included the ABD population under the QUEST Program. The program, QUEST Plus, will incorporate the ABD population and would include the medical and long term care components.

This proposal to CMS will be unique since it will incorporate both the medical and long term care for the ABD population. Tennessee and California are also attempting to incorporate these populations into managed care. Mr. Charles Miller who has represented Hawaii for both the QUEST and Medicaid Programs is also representing Tennessee and California. Hawaii would like to join the other two states in dealing with CMS and receiving approval for the waiver extension. No other attorneys within Hawaii or the Attorney Generals Office is familiar with the complexities of the 1115 waiver programs.

Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

Mr. Miller has worked with Hawaii since 1980's and was instrumental in developing the original QUEST waiver. He is also familiar with the federal issues and by joining California and Tennessee, it would enhance the chances of gaining federal approval by CMS.

A description of the agency's internal controls and approvals requirements for the exempted procurement:

In this situation the DHS/Med-QUEST Finance Office is the lead section. The Finance Office would ensure that there is no other counsel in Hawaii or the AG's Office available to complete these tasks. The recommendation for exemption is made to the Division Administrator for approval. The Director of Human Services will make the final approval. If approved, a letter to the Attorney General is sent requesting the use of outside council.

STATE OF HAWAII

NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS

The Chief Procurement Officer is in the process of reviewing the request from the Department of Human Services for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

Provide legal services and development of the 1115 waiver extension for the Hawaii QUEST and QUEST Plus.

Vendor: Covington & Burling
Address: 1201 Pennsylvania Ave. NW
 Washington, DC 20004-2401

Term of Contract: <u>Upon CPO approval</u>	From: June 22, 2004	To: April 30, 2005	Cost: 434,875.00
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Direct any inquiries to: Department: Human Services-Med-QUEST Division Contact Name/Title: Brian Pang, Finance Officer Address: 1001 Kamokila Boulevard, Suite 317 Kapolei, Hawaii 96707	Phone Number: (808) 692-7956 Fax Number: (808) 692-7989
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Date Posted: June 16, 2004

A copy of this notice of exemption from Chapter 103D, HRS, shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval action.

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Chief Procurement Officer
 Office/Agency _____
 Address _____
